

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NOORANI TRADING INC.,

Plaintiff,

vs.

AMIT F. BIJANI a/k/a DANNY
BIJANI, NAFISA BIJANI, AB
INTERNATIONAL, LLC, N.F.
INTERNATIONAL, INC., and STAR
IMPORTERS & WHOLESALERS,
INC.,

Defendants.

CIVIL ACTION NO.

1:17-cv-01344-LMM

DECLARATION OF J. RODGERS LUNSFORD III
REGARDING SGR ATTORNEYS' FEES

1. I, J. Rodgers Lunsford III, am over 18 years of age, and am competent to give this Declaration. I make this Declaration in support of Plaintiff Noorani Trading Inc.'s Motion for an Order Awarding Attorneys' Fees on the basis of my own personal knowledge of the facts stated below.

2. I am an attorney-at-law, a member in good standing of the State Bar of Georgia, and duly authorized to practice before this Court. I was formerly a partner in Smith, Gambrell & Russell, LLP ("SGR") and I am presently of counsel to the firm. I was lead counsel to Plaintiff Noorani Trading Inc. (sometimes herein "Noorani Trading" or "Noorani") in this action until on or about August 14, 2018.

3. I received my Bachelor of Mechanical Engineering degree from Vanderbilt University in June 1965 and my Juris Doctor degree, *cum laude*, from University of Georgia School of Law in 1972. After completing undergraduate school and prior to entering law school I was in the Technical Marketing Program of General Electric Company and the Trust Department of First National Bank of Atlanta (now Wells Fargo).

4. My practice has been primarily focused on intellectual property litigation, including actions for trademark, copyright, and patent infringement, and actions for unfair competition, misappropriation of trade secrets, and violation of the right of publicity. I presently counsel clients with regard to intellectual property disputes, and prosecute applications to register trademarks and service marks around the world and copyrights domestically.

5. I am a former chair of the firm's Intellectual Property Department, a former Chairman of the Intellectual Property Section of the State Bar of Georgia, and was named Atlanta's Trademark Law "Lawyer of the Year" for 2016 by The Best Lawyers in America.

6. I have worked with SGR partners Elizabeth G. Borland, William Maycock, Chris FitzPatrick, Scott Woldow, and Laura Wartner, SGR associates Courtney Adams Thornton and Bryan Wolin, and SGR paralegals Catherine

Calhoun, Melissa Bedsole, and Linda Mahan, and the SGR firm librarian, Sarah Mauldin, in representing Noorani Trading in this civil action.

7. Ms. Borland has been practicing law for almost 30 years, and has specific expertise in litigating intellectual property disputes. Mr. Maycock has practiced law for approximately 40 years, has specific expertise in antitrust and trade regulation litigation, and was a partner in SGR until beginning his second Mormon Mission in October 2019. Ms. Wartner has been practicing law for approximately 40 years, and has specific expertise in estate planning and probate administration. Mr. Woldow has been practicing for approximately 26 years, is a former trademark examining attorney in the U. S. Patent and Trademark Office, and has specific expertise in assisting clients develop branding strategies and acquiring and enforcing their trademark rights. Mr. FitzPatrick reentered the private practice of law with SGR in 2003, retired from SGR at the end of 2017, and has specific expertise in FDA compliance and advertising law. Prior to joining SGR, Mr. FitzPatrick was general counsel and an executive at Novartis and a Senior Attorney at the FTC.

8. Ms. Thornton was an associate at SGR for three years, and concentrated her practice in intellectual property law and litigation. Mr. Wolin was an associate at SGR for approximately three years, and concentrated his

practice on advertising law and litigation, including compliance with NAD, FDA, and FTC regulations.

9. Ms. Bedsole has been a paralegal at SGR for 30 years focusing on intellectual property prosecution. Ms. Mahan was a paralegal at SGR for 26 years in estate planning and probate. Ms. Calhoun was a paralegal at SGR for 22 years in litigation support. Ms. Mauldin was the SGR librarian for eight years.

10. The hourly rates for SGR professionals providing services to Noorani in connection with its prosecution of this action are set forth below:

ATTORNEY	2017 RATE	2018 RATE	2019 RATE	2020 RATE
J. Rodgers Lunsford III	595.00	595.00	625.00	625.00
Elizabeth G. Borland	495.00	505.00	530.00	560.00
William Maycock	595.00	605.00	635.00	N/A
Chris FitzPatrick	610.00	N/A	N/A	N/A
Scott Woldow	445.00	455.00	465.00	495.00
Laura Wartner	595.00	600.00	625.00	650.00
Courtney Adams Thornton	305.00	310.00	N/A	N/A
Bryan Wolin	315.00	325.00	N/A	N/A
Catherine Calhoun	280.00	290.00	N/A	N/A
Melissa Bedsole	260.00	270.00	285.00	300.00

ATTORNEY	2017 RATE	2018 RATE	2019 RATE	2020 RATE
Linda Mahan	260.00	275.00	290.00	305.00
Sarah Mauldin	240.00	240.00	N/A	N/A

11. I am familiar with the hourly rates charged by firms of similar size and practices as SGR within the Atlanta, New York, and Washington, DC legal markets. The hourly rates charged by SGR professionals for their services in this action are all well within the range of hourly rates charged for similar services by attorneys with similar levels of experience and expertise in such markets.

12. Attached as Exhibit A is a true and correct summary of attorneys' fees billed to Plaintiff Noorani Trading by SGR for services rendered in connection with the prosecution of Plaintiff's claims against Defendants Amit F. Bijani a/k/a Danny Bijani, Nafisa Bijani, AB International, LLC, N.F. International, Inc., and Star Importers & Wholesalers, Inc. in this civil action. The summary was prepared by me and under my direct supervision, and is based on SGR billing and time records for services rendered to Noorani Trading in this action.

13. Noorani Trading has paid SGR the total amount of \$519,607.35 for *services* rendered in connection with its prosecution of its claims against Defendants. SGR provided Noorani Trading a total discount of \$80,742.15 against

its initial fees for services rendered in this litigation, a discount of 13.45%. The discount was provided based on the fact that multiple professionals were involved in meetings, conferences, court appearances, and in drafting documents, and the litigation provided training opportunities for Ms. Thornton.

14. I have reviewed the summary in Exhibit A and the records upon which it is based, and have determined that SGR billed the following number of adjusted hours for each named professional to prosecute Noorani's claims against Defendants in this civil action (the fractional hours result from the application of the discounts to the hours actually billed:

J. Rodgers Lunsford III	411.07
Elizabeth G. Borland	403.29
William Maycock	25.61
Chris FitzPatrick	.80
Scott Woldow	.73
Laura Wartner	.35
Courtney Adams Thornton	120.09
Bryan Wolin	.97
Catherine Calhoun	36.10
Melissa Bedsole	30.15

Linda Mahan	.76
Sarah Mauldin	9.85
TOTAL	1039.77

Thus, based on the approximately 1,200 total hours billed before discount, the composite billing rate for all professionals providing services to Noorani Trading in this action was \$433/hr.

15. SGR professionals have rendered legal services to Noorani Trading in the following segments of this civil action in litigating Plaintiff's claims against Defendants:

Phase	Scope of Services	Fees
1	CONDUCT INITIAL INVESTIGATION; DRAFT COMPLAINT, APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION, AND SUPPORTING MEMORANDA; PREPARE FOR AND HEARING BEFORE THE COURT, AND DRAFT PROPOSED TEMPORARY RESTRAINING ORDER AND POST HEARING MEMORANDA	Prior to Discount \$141,585.50 Less Discount (18,628.96) TOTAL FEES \$122,956.54
2	ADDRESS INFRINGING SALES IN TENNESSEE, POST BOND, PREPARE PRESS RELEASE, AND CONDUCT RULE 26(f) CONFERENCE; DRAFT INITIAL DISCLOSURES, CERTIFICATE OF INTERESTED PERSONS, PROPOSED PROTECTIVE ORDER, DRAFT JOINT PRELIMINARY STATEMENT AND SCHEDULING ORDER, AND AMENDED COMPLAINT	Prior to Discount \$29,138.00 Less Discount (4,177.61) TOTAL FEES \$24,960.39

3	FINALIZE PLAINTIFF'S INITIAL DISCLOSURES; DRAFT PLAINTIFF'S DISCOVERY; FINALIZE JOINT PRELIMINARY STATEMENT AND DISCOVERY PLAN	Prior to Discount \$25,200.50 Less Discount (5,176.68) TOTAL FEES \$20,023.82
4	DRAFT MOTION FOR MODIFICATION OF TEMPORARY RESTRAINING ORDER AND SUPPORTING MEMORANDUM; ARGUE MOTION BEFORE THE COURT	Prior to Discount \$111,276.00 Less Discount (20,641.03) TOTAL FEES \$90,634.97
5	DRAFT PLAINTIFF'S MOTION FOR RECONSIDERATION; ADDRESS DISCOVERY DEFICIENCIES; OPPOSE DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND DEFENDANTS' MOTION TO STAY; DRAFT SECOND AMENDED COMPLAINT	Prior to Discount 124,423.00 Less Discount (12,472.14) TOTAL FEES \$111,950.86
6	REVIEW DOCUMENTS PRODUCED BY DEFENDANTS AND ADDRESS DEFICIENCIES; ADDRESS DEFENDANTS' ANTITRUST CLAIMS; ADDRESS DEFENDANTS' REVISED PACKAGING; ADDRESS DEFENDANTS' MOTION TO DISMISS OR FOR MORE DEFINITE STATEMENT; DRAFT PLAINTIFF'S DISCOVERY RESPONSES; DRAFT PLAINTIFF'S ADDITIONAL DISCOVERY; AND BEGIN SETTLEMENT NEGOTIATIONS	Prior to Discount 99,642.00 Less Discount (7,288.00) TOTAL FEES \$92,354.00
7	CONTINUED SETTLEMENT NEGOTIATIONS AND NEGOTIATE UNSUCCESSFUL SETTLEMENT AGREEMENT	Prior to Discount: 56,455.00 Less Discount (10,112.15) TOTAL FEES \$46,342.85
8	TRANSFER CASE TO TODD MEROLLA AND ASSIST MR. MEROLLA WITH CONTINUED PROSECUTION OF THE CASE	Prior to Discount: 12,498.50 Less Discount (2,320.50) TOTAL FEES: \$10,178.00
	TOTAL	FEES \$600,218.50 DISCOUNT (80,817.07) BILLED \$519,401.43

SGR billed Noorani monthly. The eight categories above included full months and portions of months, and the calculations of discounts involved rounding to a small degree. The differences in the above amounts and the amounts in paragraph 13 resulted from such partial month allocations and the rounding in calculating discounts. The slight differences in total amounts should not be regarded as significant.

16. I certify that the services rendered by SGR were reasonably necessary for prosecuting Noorani's claims against Defendants.

17. Noorani has also reimbursed SGR the total amount of \$55,309.32 for costs incurred in connection with the prosecution of this matter. SGR paid and Noorani reimbursed it for the following costs in the following categories

Legal Research	\$ 2,903.71
Process Server Fees	\$ 692.00
Photocopies	\$ 1,020.90
Ediscovery Hosting Fees	\$ 46.18
Pacer Document Retrieval	\$ 19.50
Federal Express Delivery	\$ 127.84
Messenger Services	\$ 160.39

Transcript Fees	\$ 338.80
Court Bond	\$50,000.00
TOTAL	\$55,309.32

The costs set forth above were reasonable and necessary in the prosecution of Noorani's claims in this action.

18. Noorani has paid all SGR invoices for services rendered to it and costs incurred in connection with this litigation through November 2020.

19. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This 20th day of March, 2023.


J. Rodgers Lunsford III